UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DECEMBER 13, 1993

Mr. Stephen A. Loeschner
2421 Dellwood Drive
Fort Wayne, Indiana 46803

Dear Mr. Loeschner:

Thank you for your letters of July 9, 1993 to our Chicago regional office. As we understand the situation, Chemical Waste Management of Indiana (CWMI) is requesting a permit modification to accept newly-listed hazardous wastes at their Adams Center Landfill. The wastes in question are 1) from coke by-products: K141, K142, K143, K144, K145, K147, and K148; and 2) from chlorinated toluene production: K149, K150, and K151.

From your letters, you seem concerned that many hazardous constituents may be present in the wastes; however, the Agency chose to enumerate only some of them in Appendix VII of 40 CFR Part 261. The reason for the apparent discrepancy is that many constituents are not typically and frequently quantifiable in the waste samples EPA collects in performing the listing determination. In addition, a toxic constituent must be present in a level high enough in the waste that, given the Agency's calculations of dilution and attenuation of chemicals in the environment, the constituent may still be present in a potential receptor drinking water well at a level that may cause adverse health effects. Those constituents that are present at those levels are the ones listed in §261 Appendix VII.

Please be aware that the landfill in question is already permitted to accept wastes that are similar in nature (i.e., toxic constituents) to the newly listed K141 - K145 and K147 -K151 (e.g., K087, K015, K085, and K105). In order for the landfill to accept the previously listed wastes, the wastes must meet Land Disposal Restrictions treatment standards set forth in 40 CFR 268. Treatment standards for nonwastewater forms of these wastes are generally based on incineration. The newly listed wastes will also have treatment standards promulgated in about a year. Many of the newly-listed wastes are generally kept on site for recycling by the generating facilities or sent to an incinerator or cement kiln, so the likelihood that any of these wastes will be sent to the CWMI landfill, particularly in an untreated form, is low.

The coke by-product wastes and chlorinated toluene wastes were proposed for listing in July and October of 1991, respectively. The Agency provided a public comment period at that time. Due to other priorities, EPA is not planning to revisit these waste listings in the near future.

Thank you for your inquiry. If you have any other questions concerning the CWMI landfill or its permit modification status, please contact Mr. Don Heller of our Chicago (Region V) Office at (312)353-1248.

Sincerely,

Edwin P. Abrams
Chief
Listing Section

cc: Karl E. Bremer, EPA Region V (HRP-8J)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEPTEMBER 2, 1993

Mr. Edwin Rissman
U.S. EPA
Office of Solid Waste
Waste Identification Branch (OS-333)
401 M. Street
Washington, D.C. 20460

RE: Citizen Inquiry Regarding
Newly Listed Hazardous Wastes
K141-K145 and K147-K151
Chemical Waste Management of
Indiana, Inc.
IND 078 911 146

Dear. Mr. Rissman:

The Region R RCRA Permitting Branch is currently reviewing a Class 2 permit modification request for the addition of the newly listed hazardous waste codes K141-K145 and K147-K151, to be managed at the Chemical Waste Management of Indiana, Inc., Adams Center Landfill (CWMI).

Among the public comments received on this matter were a series of inquiries regarding the alleged presence of organic compounds and isomers in these newly listed wastes which are not included in the 40 CFR Part 261, Appendix VII basis for listing. The commenter is:

Mr. Stephen A. Loeschner
2421 Dellwood Drive
Fort Wayne, Indiana 46803

As part of his inquiry, Mr. Loeschner has submitted two separate letters regarding the hazardous wastes generated by the coke refining industry and by the production of chlorinated toluenes.

Paragraphs 4-6 of the letter regarding coke refining wastes and paragraphs 4-15 of the letter regarding the chlorinated toluene process wastes pose analytical questions concerning the chemical basis for listing these new groups of hazardous wastes. Enclosed please find copies of these letters from Mr. Loeschner.

Because Region 5 is not staffed to respond to these particular inquiries, we are requesting that your branch respond directly to Mr. Loeschner's questions for listing the above-mentioned waste codes. We also are requesting that regarding the basis request that a copy of your response be sent to this office.

Please contact Mr. Don Heller of my staff, at FTS (312) 353-1248, for assistance.

Sincerely,

Karl E. Bremer, Chief
RCRA Permitting Branch

Enclosures

cc: Phil Perry, IDEM
Stephen A. Loeschner

2421 Dellwood Drive
Fort Wayne, Indiana 46803
9 July 1993

Donald Heller, HPR-8J
EPA, RCRA Permitting
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Mr. Heller:

Subject: CWMI; 078911146; Class II permit modification requests; newly listed wastes; K149, K150, and K151; production wastes from manufacture of Chlorinated Toluenes (CT); public information meeting hosted by CWMI, 6 p.m., 1 June 1993, in Fort Wayne.

I request highly technical responses to comment and inquiry. Where I have erred, I expect rational, not just disregard.

It would appear that CWMI is asking to be able to take any of this waste, "firm it up" to the point where it will pass the "5-minute no-drip paint-filter" test, and then land dispose it at 4636 Adams Center Road, Fort Wayne, Allen County, Indiana. Is this true? There would be no lawful requirement that these be incinerated and then that the ash carry the same code and be land disposed. Is this true? If there is no law compelling incineration or other equal or better destruction process prior to land disposal, then do not grant the CWMI request to accept K149, K150, and K151 wastes.

EPA truth in waste part 1: It is my understanding that 79 isomers of "simple" CT exist. My definition of simple CT isomers are molecules having the toluene (methylbenzene) carbon bond structure, consisting of 7 C atoms, 0 to 7 H atoms, and 1 to 8 C1 atoms, such that the number of H + C1 atoms equal 8.

Of these 79 simple CT isomers, I believe 39 have either 2 or 3 H atoms on the methyl group. 2 of the H atoms may be replaced by an O atom double bonded to the methyl C atom, thus making 39 "benzoyl related" CT. This makes a group of 118 CT isomers. From p51594 FR V56 #196 text, it is noted that benzoyl chloride is produced. The text does not identify the 10 of the 118 CT that are, in your words, "chemical products." If you make something, some of what you make will be in your waste. You say 10 CT isomers are made, and on p51595, you only found 2 in the waste stream. An absolute case can be made that the other 8 are in the waste too. While you cite 2 products with no ring C1, you found 5 isomers of Cl-benzene, including that requiring the most energy, Hexachlorobenzene. Thus, a clear case can be made that each of the 108 "not intentionally produced" CT isomers are in the waste too.

Identify the 118 CT by name. Identify the 10 intended products. Present true quantity data of each of the 118 that is in the waste stream at a level of at least twice the lowest detectable level (LDL).

Donald Heller, EPA 9 July 1993

EPA truth in waste part 2: If the processes admittedly make 5 C1-benzene isomers, then what about the other 7? Present true quantity data of each of the 12 C1-benzene isomers that is in the waste stream at a level of at least twice the LDL.

EPA truth in waste part 3: If the processes admittedly make tetrachloroethylene p51595, then what about Trichloroethylene, cis and trans 1,2-Di-chloroethylene, 1,1-Dichloroethylene, and Chloroethylene? Present true quantity data of each of the 6 Cl-ethylene isomers that is in the waste stream at a level of at least twice the LDL.

EPA truth in waste part 4: If the processes admittedly make Chloromethane, _____, Chloroform, and Carbon tetrachloride as waste p51595, then why is CH_2Cl_2 a.k.a. Dichloromethane or Methylene chloride missing from the series? Present true quantity data of each of the 4 Cl-methane isomers that is in the waste stream at a level of at least twice the LDL.

EPA truth in waste part 5: Are hexa; penta; 1,1,1,2-tetra; 1,1,2,2-tetra; 1,1,1-tri; 1,1,2-tri; 1,1-di; 1,2-di; and chloroethane not a part of the waste stream? Present true quantity data of each of the 9 Cl-ethane isomers that is in the waste stream at a level of at least twice the LDL.

EPA toxicity table deficiencies: The p47378 FR V57 1200 & p47379 tables are deficient. Over 100 expected isomers are missing in their entirety and there are several "holes" in data presented. Two aromatic compounds similar to many of the CT are: 2,4,5-trichlorophenol and 2,4,6-trichlorophenol. They provide a clear background of differing toxicity among various isomers. I fully expect a broad range of toxicity among various CT and this data is essential in determining their disposal treatment requirement.

EPA regulation deficiency: I expected to find many of the 118 CT isomers listed in 40 CFK Pt 268 App III. I found none in the 1 July 1992 issue. When will these be added? Are they in the FR now? Where? If proposed, when will they be a part of law? If not proposed, then why have they not been proposed?

While looking at the App III list, I note a plethora of light weight halocarbons; $CClF_3$, $CHClF_2$, $CHCl_2F$, CH_2ClF for example; are not on the list. Why not? What is the purpose of this list? When will these be added? Are they in the FR now? Where? If proposed, when will they be a part of law? If not proposed, then why have they not been proposed?

It would appear that perhaps a score of the lighter 118 CT isomers, together with a score of other light weight halocarbons, together with benzene and toluene are planned by the EPA to be permitted to be land disposed where the EPA has reasonable knowledge and expectation that these isomers, of varying toxicity, will then be evaporated over time into the air of Allen County. Is this true?

70 grams of Benzotrichloride (BT) in a kilogram of K149 still-bottom may pass the paint filter test as-is. Do you agree? If not, what would cause a failure? If CWMI took 1600 ton of "7% BT K149", and 90% of the BT came out of it in a year, that would put CWMI over a 100 ton per year of VOC emission.- Do you agree? Is BT a VOC? At what level would CWMI be required to get an air permit? Would toxicity matter, or only gross tons?

I suspect that you are inclined to permit large quantities of toxic VOC to be land disposed as a wanton disregard for health simply to appease the anti-incineration public force. I see little solace in the too little too late 40 CFR regulation.

Again, if there is no law compelling incineration or other equal or better destruction process, then do not grant the CWMI request to accept K149, K150, and K151 wastes.

In your response to these inquiries, include a complete identification of the appeal process should you approve CWMI acceptance of K149, K150 and K151, as produced by the CT industry.

Truly,

Stephen A. Loeschner

2421 Dellwood Drive
Fort Wayne, Indiana 46803
9 July 1993

Donald Heller, HPR-8J
EPA, RCRA Permitting
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Mr. Heller:

Subject: CWMI, 078911146 Class II permit mod requests newly listed wastes K141 through K148 production wastes from mfg of Coke (enriched carbon from coal); public information meeting hosted by CWMI, 6 p.m., 1 June 1993, in Fort Wayne.

I request highly technical responses to my, comment and inquiry. Where I have erred, I expect rational, not just disregard.

It would appear that CWMI is asking to be able to take any of this waste, "firm it up" to the point where it will pass the "5-minute no-drip paint-filter" test, and then land dispose it at 4636 Adams Center Road, Fort Wayne, Allen County, Indiana. Is this true? There would be no lawful requirement that these be incinerated and then that the ash carry the same code and be land disposed. Is this true? If there is no law compelling incineration or other equal or better destruction process prior to land disposal, then do not grant the CWMI request to accept K141 through K148 wastes.

It is my understanding that in addition to the 9 compounds identified in Table 2 of p37289 FR V57 #160, hundreds of additional coal tar toxics are known to the EPA. Is this true? It may be shown that the EPA is negligent in protecting health by the fact that as of December 1992, Methyl ethyl ketone was not regulated in drinking water. It may be shown that the EPA is negligent in science by the fact that the EPA failed to find or report Dichloromethane in Table 1 of p51595 FR V56 #198. Therefore; what reason is there to believe that the EPA has identified a reasonable representation of the coal tar toxics, the constituents of concern?

Many of the expected toxics are volatile or semivolatile and should not be land disposed. It would appear that the industry is egregiously wasteful. If they are recovering useful Naphthalene, then K145 waste containing an average 14% Naphthalene is a glaring example of a gross waste. I consider Naphthalene to be a VOC and a toxic. Is Naphthalene considered a regulatable VOC? If not; then, why not?

140 grams of Naphthalene in a kilogram of K145 recovery residue may pass the paint filter test as-is. Do you agree? If not, what would cause a failure? If CWMI took 800 ton of "14% Naphthalene K145", and 90% of the Naphthalene came out of it in a year, that would put CWMI over

a 100 ton per year of VOC emission. Do you agree? At what level would CWMI be required to get an air permit? Would toxicity matter, or only gross tons?

I suspect that you are inclined to permit large quantities of toxic VOC to be land disposed as a wanton disregard for health simply to appease the anti-incineration public force. I see little solace in the too little too late 40 CFR regulation.

Again, if there is no law compelling incineration or other equal or better destruction process, then do not grant the CWMI request to accept K141 through K148 wastes.

In your response to these inquiries, include a complete identification of the appeal process should you approve CWMI acceptance of K141 through K148 "coal tar" wastes, as produced by the Coke industry.

Truly,

Stephen A. Loeschner